

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

GOKAY BULUT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

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Civil Action No. 8:23-cv-00995-PX

MEMORANDUM ORDER

Pending before the Court is the motion to transfer case filed by Defendants United States Department of Homeland Security (“DHS”), United States Citizenship and Immigration Services (“USCIS”), and USCIS’ Director, Ur M. Jaddou. ECF No. 6. The motion is fully briefed, and no hearing is necessary. D. Md. Loc. R. 105.6. The motion is granted for the following reasons.

This action arises out of Plaintiff Gokay Bulut’s pending application for asylum. ECF No. 1. Bulut filed suit on April 12, 2023, alleging that USCIS “has unreasonably and arbitrarily delayed scheduling an interview.” *Id.* Bulut contends that venue is proper in this district because USCIS “resides at 5900 Capital Gateway Drive, Camp Springs, MD” and because the asylum application “is being delayed on account of policies made and issued from USCIS headquarters.” *Id.* ¶¶ 5-6.

A plaintiff may file suit against an officer or employee of the United States in “any judicial district in which (A) a defendant in the action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (C) the plaintiff resides if no real property is involved in the action.” 28 U.S.C. § 1391(e)(1). “For the convenience of parties and witnesses, in the interest of justice,

a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Indeed, whether to transfer is within the district court’s discretion. *See In re Ralston Purina Co.*, 726 F.2d 1002, 1005 (4th Cir. 1984).

As this court has consistently determined, “the fact that USCIS is headquartered here . . . alone is insufficient to establish proper venue in Maryland.” *Dhimar v. Blinken*, No. 22-2175-PJM, 2022 WL 17540972, at *2 (D. Md. Dec. 8, 2022) (transferring petition to expedite visa application); *Chakrabarti v. USCIS*, No. 21-1945-PJM, 2021 WL 4458899, at *4 (D. Md. Sept. 29, 2021) (same). Typically, “[t]he decision-making process for adjudicating [immigration] applications occurs at USCIS’s service centers and field offices throughout the country, not at agency headquarters in Maryland.” *See Chakrabarti*, 2021 WL 4458899, at *6. The appropriate forum for challenging unreasonable delay, therefore, is the federal district court encompassing the relevant USCIS service center or field office. *Id.*

In *Karaoglu v. United States Department of Homeland Security*, No. DKC-23-749, 2023 WL 4627277 (D. Md. July 19, 2023), the court granted a near-identical motion to transfer where the plaintiff had filed in Maryland solely because USCIS’ headquarters is located in the state. This Court adopts the reasoning of *Karaoglu* in full. Defendants note—and Bulut does not dispute—that Bulut resides in Virginia and that Bulut’s asylum application is being processed and adjudicated at the USCIS office in Arlington, Virginia. *Compare* ECF No. 6-2 at 2, *with* ECF No. 7. The Court therefore will transfer this action to the Eastern District of Virginia.

Accordingly, it is this 9th day of August 2023, by the United States District Court for the District of Maryland, hereby ordered that:

1. The Motion to Transfer Case (ECF No. 6) filed by Defendants United States Department of Homeland Security, United States Citizenship and Immigration

Services, and Ur M. Jaddou is GRANTED;

2. The above-captioned case is TRANSFERRED to the United States District Court for the Eastern District of Virginia, pursuant to 28 U.S.C. § 1404; and
3. Defendants shall file their answer or otherwise respond to the Complaint within 60 days from the date this action is docketed in the transferee district.

8/9/2023

Date

/S/

Paula Xinis

United States District Judge